

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. SACV 10-00483 CJC (RNBx)

Date: September 16, 2010

Title: GERALD A. HUTCHINSON. V. JPMORGAN CHASE BANK, N.A. ET AL.

**PRESENT:**

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Michelle Urie  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE RE DISMISSAL  
FOR LACK OF SUBJECT MATTER JURISDICTION [filed 08/6/10]**

This action arises from a dispute between Plaintiff Gerald Hutchinson and Defendants JPMorgan Chase Bank, N.A. and California Reconveyance Corporation (“Defendants”) regarding the foreclosure sale of the property located at 31851 Via Patito, Coto de Caza, California 92679. Mr. Hutchinson filed this action in the Superior Court for the County of Orange, alleging violations of the federal Truth in Lending Act (“TILA”) and various state law claims. Defendants removed the case to federal court and moved to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). By order dated June 1, 2010, this Court dismissed Mr. Hutchinson’s complaint with leave to amend based on Mr. Hutchinson’s failure to file an opposition to Defendants’ motion. In response to this Court’s order to show cause regarding dismissal for failure to prosecute, Mr. Hutchinson filed his First Amended Complaint on July 19, 2010. The First Amended Complaint alleges violations of the California Foreclosure Prevention Act; specifically, Mr. Hutchinson alleges that Defendants violated Sections 2923.5 and 2923.6 of the California Civil Code. Defendants now move to dismiss the First Amended Complaint under Rule 12(b)(6).

Mr. Hutchinson’s First Amended Complaint does not allege any claims “arising under federal law,” 28 U.S.C. § 1331, nor does he allege that the amount in controversy exceeds \$75,000 or that he and Defendants are “citizens of a different States,” 28 U.S.C. § 1332. Therefore, this Court hereby orders Plaintiff to show cause why this action should not be dismissed for lack of subject matter jurisdiction.

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The Court orders Plaintiff to respond to this order to show cause by September 24, 2010. Defendants shall have until October 1, 2010 to file a response. The matter will stand submitted upon the filing of Defendants' response. Accordingly, the hearing on Defendant's motion to dismiss set for September 20, 2010 at 1:30 p.m. is hereby vacated and off calendar. The hearing will be rescheduled if necessary after the Court determines whether it has subject matter jurisdiction in this case.

mkyc

MINUTES FORM 11  
CIVIL-GEN

Initials of Deputy Clerk: MU